

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

v.

12 JASON WILLIAM SCOTT,

13 Defendant.

CASE NO. CR20-0175-JCC

ORDER

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15 This matter comes before the Court on the Defendant's motion to seal Exhibit 2 to the
16 defense sentencing memorandum. (Dkt. No. 30.) Having considered the briefing and the relevant
17 record, the Court GRANTS the motion for the reasons below.

18 The First Amendment protects the public's right of access to criminal trials. *See, e.g., Globe*
19 *Newspaper Co. v. Super. Ct. for Norfolk Cty.*, 457 U.S. 596, 606 (1982). The public also has a
20 common law right to inspect and copy public records, including those from judicial proceedings.
21 *See Nixon v. Warner Commc'ns*, 435 U.S. 589, 597 (1978). But these rights are not absolute. They
22 must yield when (1) sealing a document serves a compelling interest, (2) that is substantially likely
23 to be harmed if the document is not sealed, and (3) there are no less restrictive alternatives for
24 protecting the interest. *See United States v. Doe*, 870 F.3d 991, 998 (9th Cir. 2017).

25 Defendant contends that Exhibit 2 should be kept under seal because it is a psychological
26 evaluation that contains his private information. (Dkt. No. 30 at 1.) The Court agrees; sealing

1 Exhibit 2 serves a compelling interest in protecting Defendant's private medical information,
2 which is substantially likely to be harmed if that document is not sealed.

3 For the foregoing reasons, the Court hereby GRANTS Defendant's motion (Dkt. No. 30).

4 DATED this 19th day of November 2021.

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John C. Coughenour
UNITED STATES DISTRICT JUDGE

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